

# MIOSHA Fact Sheet



## Prehearing Conference – What to Expect and How to Prepare

After an appeal to the Board of Health and Safety Compliance and Appeals (Board) is filed with the Construction Safety and Health Division or the General Industry Safety and Health Division, the case will be transferred to the MIOSHA Appeals Division and Board for the scheduling of a prehearing conference. The purpose of a prehearing conference is to attempt to settle the case prior to a hearing. A prehearing conference is an opportunity to discuss the appeal issues and resolve the case with a written, signed settlement agreement.

### Here are some things you can do to prepare for a prehearing conference:

- Read the citation to gain understanding of each violation;
- Read the standard cited for each violation by visiting [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards);
- Gather relevant information or documentation you plan to submit;
- Develop questions you might have about the inspection, standards, violations, and/or abatement; and
- Contemplate your preferred settlement terms for each violation.

### Here are some things you can expect during a prehearing conference:

- An informal discussion between the parties about the citations facilitated by an Appeals Coordinator from the MIOSHA Appeals Division;
- A presentation of your appeal issues and proposed settlement terms;
- Submittal of information and/or documentation that was not available or obtained during the inspection; and
- Questions and answers about the inspection, violations, standards, and/or abatement.

### Here are some things you can expect after a prehearing conference:

- An offer to settle the case will be proposed by the Appeals Coordinator;
- If the offer is accepted, the MIOSHA Appeals Division will mail you a written settlement agreement to read, sign, and return; and
- If the offer is not accepted, the MIOSHA Appeals Division will refer the case to the Michigan Office of Administrative Hearings and Rules for a hearing which will be heard by an Administrative Law Judge. The MIOSHA Appeals Division will also refer the case to the Michigan Department of Attorney General, who will represent MIOSHA at the hearing.

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